

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ACUITY, A MUTUAL INSURANCE)
COMPANY,)
)
Plaintiff,)
)
vs.)
)
RRR TRUCKING, LLC, et al.)
)
Defendants.)

Case No. 4:21-CV-1114-RWS

JOINT PROPOSED SCHEDULING PLAN

Plaintiff and Defendants hereby propose the following Scheduling Plan.

1. The parties agree Track 2 is appropriate.
2. All motions for joinder of additional parties or amendment of pleadings shall be filed no later than **May 20, 2022**.
3. Discovery is not expected to be conducted in phases or limited to certain issues. Disclosure shall proceed in the following manner:
 - (a) The parties shall make all disclosures required by Rule 26(a)(1), Fed. R. Civ. P., no later than **May 20, 2022**.
 - (b) Plaintiff shall disclose all expert witnesses and shall provide the reports required by Rule 26(a)(2), Fed.R.Civ.P., no later than **July 17, 2022**, and shall make expert witnesses available for depositions, and have depositions completed, no later than **September 15, 2022**.
 - (c) Defendant shall disclose all expert witnesses and shall provide the reports required by Rule 26(a)(2), Fed. R. Civ. P., no later than **November 1, 2022**, and shall make expert witnesses available for depositions, and have depositions completed, no later than **December 15, 2022**.
 - (d) The parties agree that the presumptive limits of ten (10) depositions per side as set forth in Rule 30(a)(2)(A) shall apply. The parties request up to Thirty-Five (35) interrogatories per party insofar as this is a wrongful death claim with three beneficiaries under R.S.Mo. § 537.080.
 - (e) The parties agree that there will be no need for requests for physical or mental examinations of parties pursuant to Rule 35, Fed. R. Civ. P.
 - (f) The parties shall complete all discovery in this case no later than **December 15, 2022**.

4. The parties do not anticipate there will be any issues with respect to electronically stored information.

5. The parties do not anticipate filing any materials under seal.

6. Any motions to dismiss, for summary judgment, motions for judgment on the pleadings or, if applicable, any motion to exclude testimony pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993) or Kumho Tire Co. Ltd v. Carmichael, 526 U.S. 137 (1999), must be filed no later than **December 1, 2022**. Any response shall be filed no later than **January 2, 2023**. Any reply shall be filed no later than **January 20, 2023**. In the event dispositive motions are filed prior to the above specified date, the opposing party shall file a response thirty (30) days after the filing of the dispositive motion. A reply may be filed ten (10) days after the filing of the response. Briefing of such motions shall be governed by E. D. Mo. L. R. 4.01.

7. The case will be tried to a jury. The parties expect that trial will take **3** days to complete. The parties request a trial date in or after _____.

Respectfully submitted,

/s/ James C. Leritz
Christopher P. Leritz, #39864MO
James C. Leritz, #33830MO
LERITZ & PLUNKERT, P.C.
555 Washington Avenue, Suite 600
St. Louis, Missouri 63101
cleritz@leritzlaw.com
jcleritz@leritzlaw.com
(314) 231-9600
(314) 231-9480 - Facsimile

ATTORNEYS FOR PLAINTIFF ACUITY

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was electronically filed with the United States District Court this 7th day of April, 2022, with service upon all parties via operation of the court's electronic filing system.

/s/ James C. Leritz